

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00194

Paul La'Mark Little,
Petitioner,
v.
Director, TDCJ-CID,
Respondent.

O R D E R

Petitioner Paul Little, an inmate of the Texas Department of Criminal Justice proceeding pro se, filed this petition for the writ of habeas corpus challenging the legality of prison disciplinary action taken against him. Doc. 1. The petition has been referred to United States Magistrate Judge John D. Love.

Petitioner challenged disciplinary case nos. 20210210124 and 20220039208, complaining that he was denied due process and confined in restrictive housing for 22 months. Doc. 1-1 at 2. The magistrate judge determined that petitioner had previously sought habeas corpus relief on these same two disciplinary convictions in the Northern District of Texas in March of 2022, and that petition was dismissed with prejudice. Doc. 9 at 2; *Little v. Director, TDCJ-CID*, No. 1:22-cv-22 (N.D. Tex., dismissed November 9, 2023). The magistrate judge therefore recommended that the present petition be dismissed for want of jurisdiction until such time as petitioner demonstrates that he has received permission from the Fifth Circuit Court of Appeals to file a successive petition. 28 U.S.C. § 2254(b)(3); *Crone v. Cockrell*, 324 F.3d 833, 836 (5th Cir. 2003).

Petitioner filed objections to the report asserting that he was denied equal protection and subjected to cruel and unusual punishment. Doc. 11. The court reviews the objected-to portions of a magistrate judge's report and recommendation de novo. See Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). Petitioner's objections

do not mention, much less controvert, the magistrate judge's conclusion that his petition is successive. Petitioner's objections are without merit.

Having reviewed the magistrate judge's report and petitioner's objections de novo, the court overrules petitioner's objections and accepts the findings and recommendations of the magistrate judge's report. The court orders that the petition for the writ of habeas corpus is dismissed without prejudice for want of jurisdiction. A certificate of appealability is denied.

So ordered by the court on May 17, 2024.



J. CAMPBELL BARKER
United States District Judge